

REMARKS

Initially, Applicant would like to inform the Examiner that the undersigned attorney has taken over prosecution of the subject application and that a revocation of power of attorney and a new power of attorney will be submitted shortly. Thus, with regard to this Amendment "B", the undersigned attorney is acting under 37 CFR §1.34.

Prior to this Amendment "B", claims 1-3, 6, 8-10, 13, 15-17, 19, 21-23 and 25-35 were pending in the present application. In this Amendment "B", Applicant has canceled claims 21-23 and 25-35 and has added new claims 36-43.

Reconsideration of the application in its current format is hereby requested.

In the Office action, the Examiner objected to the specification because on page 7, line 27, the reference numeral "20" was used to identify the recloser, instead of the correct reference numeral "10". In response, Applicant has amended the specification to correct this typographical error.

The Examiner has rejected claims 1-3, 6, 8-10, 13, 15-17, 19, 21-23 and 25-35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,303,112 to Zulaski et al. in view of U.S. Patent No. 6,005,757 to Shvach et al. For at least the reasons set forth below, Applicant traverses this rejection.

The Zulaski et al. patent discloses a method and apparatus for detecting the operation of protective devices in a power distribution system. This detection information may be used to locate faults and to isolate and sectionalize the faults to restore the system. As is shown in Fig. 2, the apparatus includes a control unit 11 comprising a fault detection unit 10 and a controller 15. The fault detection unit 10 receives signals from a sensing arrangement 14 (column 3, lines 47-48), which is

located downstream of a recloser 22. The fault detection unit 10 provides status information to the controller 15, which is connected to a master station 30. In response to commands from the master station 30, the controller 15 opens and closes a switch 12 (column 4, lines 6-8). Neither the controller 15, nor the fault detection unit 10 controls the recloser 22. The control unit 11 only controls the switch 12 and merely receives signals from the sensing arrangement 14, which can provide an indication of the status of the recloser 22. *Thus, contrary to the Examiner's assertion, the control unit 11 does not control the recloser 22.* Accordingly, the Zulaski et al. patent fails to show or suggest: "A method for controlling a recloser", as is recited in independent claim 1, or "A recloser control system", as is recited in independent claims 8 and 36. For at least this reason, the Zulaski et al. patent fails to show or suggest independent claims 1, 8 and 36.

In rejecting independent claim 1, the Examiner finds the passage in column 10, lines 56-68 through column 11, lines 1-5 of the Zulaski et al. patent as showing the step of "adaptively setting the recloser to function in accordance with the behavior function" recited in independent claim 1. The cited passage, however, concerns fault detection methods *performed by the fault detection unit 10 (or the controller 15)* and not any type of function performed by the recloser 22. And, once again, the fault detection unit 10 and the controller 15 have nothing to do with controlling the recloser 22. Thus, neither the cited passage, nor any other provision of the Zulaski et al. patent shows or suggests the step of "adaptively setting the recloser to function in accordance with the behavior function", as is presently recited in independent claim 1. For at least this additional reason, the Zulaski et al. patent fails to show or suggest independent claim 1.

In rejecting independent claim 8, the Examiner finds the controller 15 of the

Zulaski et al. patent as corresponding to the "recloser controller" recited in independent claim 8. As set forth above, however, the controller 15 of the Zulaski et al. patent does not control the recloser 22. Thus, the Zulaski et al. patent fails to show or suggest a "recloser controller", as recited in independent claim 8, or a "microcomputer operable to control the recloser", as recited in independent claim 36. For at least this additional reason, the Zulaski et al. patent fails to show or suggest independent claims 8 and 36.

The Shvach et al. patent discloses a first circuit breaker having a master trip unit and a second circuit breaker having an apprentice trip unit. The apprentice trip unit is interconnected with the master trip unit to acquire at least one predetermined setting from the master trip unit. The Shvach et al. patent does not disclose a recloser, let alone a method or apparatus for controlling a recloser. Thus, it is clear that the Shvach et al. patent fails to cure the deficiencies of the Zulaski et al. patent detailed above.

In addition to failing to cure the deficiencies of the Zulaski et al. patent, the Shvach et al. patent fails to show using time of day, day of week, or month of year to control tripping, as is attributed to it by the Examiner. The only passage in the Shvach et al. patent that discusses date and time, month, etc. is the passage cited by the Examiner, namely column 12, lines 44-64. This passage, however, only discloses transmitting the settings of date and time, month, etc. from a circuit breaker 11 to a microprocessor 30 in a master trip unit 10 for the circuit breaker 11 and then storing these settings in the EEPROM of the microprocessor 30 and another microprocessor 28. The Shvach et al. patent does not disclose doing anything else with the settings.

For at least the reasons set forth above, Applicant submits that the Zulaski et

al. patent and the Shvach et al. patent, individually and in combination fail to show or suggest independent claims 1, 8 and 36 and the claims depending therefrom.

Based on the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 050877.

Respectfully submitted,

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